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5 UNITED STATES DISTRICT COURT
6 WESTERN DISTRICT OF WASHINGTON
7 AT SEATTLE

8 KRAUSZ INDUSTRIES, LTD,
9 Plaintiff,
10 v.
11 ROMAC INDUSTRIES, INC., et al.,
Defendants.

No. C10-1204RSL

ORDER AWARDING FEES
AND COSTS

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13 This matter comes before the Court on a CR 37 Joint Submission Regarding Motion to
14 Compel and For Sanctions. Dkt. #150. On August 10, 2011, the Court GRANTED in part
15 plaintiff Krausz Industries LTD's motion to compel and for sanctions. Dkt. #165. The Court
16 ordered plaintiff to provide evidence of its costs and fees associated with the 30(b)(6)
17 deposition and motion to compel. The Court also ordered plaintiff to file a supplemental
18 memoranda identifying the documents it challenges on the basis of attorney-client privilege
and/or work product doctrine.

19 On August 19, 2011, plaintiff filed a supplemental memoranda stating that the issue of
20 the withheld documents on the basis of privilege and/or work-product has been mooted by
21 defendant Romac Industries, Inc.'s recent production of approximately 1,000 documents.
22 Accordingly, the only issue remaining before the Court is the fee award.

23 In the August 10, 2011 Order, the Court found that Romac's 30(b)(6) deponents were
24 wholly unprepared for topics 3 and 8 and that Romac's production of an unprepared witness
25 was tantamount to a failure to appear entitling it to reasonable fees and costs. Dkt. #165; see
26 Black Horse Lane Assoc., L.P. v. Dow Chem. Corp., 228 F.3d 275, 304 (3d Cir. 2000);
Resolution Trust Corp. v S. Union Co., Inc., 985 F.2d 196, 197 (5th Cir. 1993).

1 On August 15, 2011, plaintiff submitted a declaration in support of its motion for
2 sanctions detailing the fees and costs incurred. Plaintiff seeks the following amounts in fees
3 and costs: (1) \$14,384.50 in fees for the deposition and the motion for sanctions; (2) \$313.40
4 flight cost for the deposition; (3) \$197.43 additional costs associated with the deposition; and
5 (4) \$2,353.35 court reporter costs.

6 1. The fees requested in category 1 are not reasonable. With respect to the deposition,
7 the Court finds that 9.5 hours is reasonable for preparing and taking the approximately 6.5 hour
8 deposition by Mr. Keyes. The Court also finds that 3 hours is reasonable time spent by Ms.
9 Wood assisting and preparing for the deposition. With respect to the fees incurred in the
10 motion to compel and for sanctions, the Court finds that 7 hours spent by Mr. Keyes
11 researching, drafting, editing, and conferring with opposing counsel on the CR37 submission is
12 reasonable. The Court also finds that 3.7 hours spent by Ms. Wood preparing exhibits, editing,
13 finalizing, and e-filing the motion is reasonable. The time spent by Mr. Greenswag reviewing
14 and revising the motion is duplicative. Accordingly, the Court reduces the amount for category
15 1 to \$9,175.00.

16 2. The Court finds that the flight cost (\$313.40) Mr. Keyes incurred for the deposition is
17 reasonable.

18 3. Mr. Keyes seeks reimbursement for his food, beverage and transportation expenses.
19 These are not reasonable expenses that were caused by the failure to appear. Mr. Keyes would
20 have eaten regardless of location, and he could have taken the Sound Transit Link Light Rail
21 from the airport to downtown Seattle. Accordingly, the Court denies this category of expenses.

22 4. The Court finds that the court reporter costs (\$2,353.35) are reasonable.

23 For all the foregoing reasons, and the reasons stated in the Court's prior Order, the Court
24 GRANTS plaintiff's motion for sanctions in the amount of \$11,841.75.

25 DATED this 30th day of August, 2011.

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Robert S. Lasnik
United States District Judge